

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

CARL BRAXTON TOOLE,

Petitioner,

vs.

WARDEN DAVID O. STREIFF;
ATTORNEY GENERAL OF THE
STATE OF ALABAMA,

Respondents.

Case No. 2:07-cv-2201-TMP

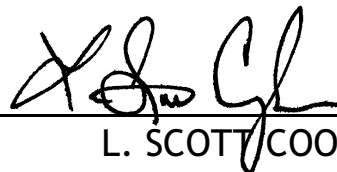
ORDER OF DISMISSAL WITHOUT PREJUDICE

The magistrate judge filed his report and recommendation in this case on January 22, 2008, recommending that the petition for writ of *habeas corpus* be dismissed for want of subject-matter jurisdiction because it was a “second or successive” petition that had not be authorized by the court of appeals as required by 28 U.S.C. § 2244(b). Although the petitioner was advised of his right to object to the report and recommendation, no objections have been filed to date.

The court, having now carefully reviewed and considered *de novo* all materials in the court file, including the report and recommendation, hereby ADOPTS the report and ACCEPTS the recommendation of the magistrate judge. Accordingly, the petition for writ of *habeas corpus* in the above-styled cause is due to be and hereby is DISMISSED WITHOUT PREJUDICE for lack of subject-matter jurisdiction.

The Clerk is DIRECTED to mail a copy of the foregoing to the petitioner.

Done this 27th day of February 2008.

A handwritten signature in black ink, appearing to read 'L. Scott Coogler', is written over a horizontal line.

L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

124019